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10 ERGO MEDIA CAPITAL, LLC and  
11 ERIK H. GORDON

12 UNITED STATES DISTRICT COURT  
13 CENTRAL DISTRICT OF CALIFORNIA

14 LOTTI BLUEMNER, an individual,

15 Plaintiff,

16 vs.

17 ERGO MEDIA CAPITAL, LLC, a  
18 Delaware limited liability company;  
19 ERIK H. GORDON, an individual, and  
20 DOES 1 through 20, inclusive,

21 Defendants.

Case No. 2:15-CV-1392

**DECLARATION OF ERIK H.  
GORDON IN SUPPORT OF THE  
NOTICE OF REMOVAL OF  
DEFENDANT ERIK H.  
GORDON**

[Filed Concurrently With Notice of  
Removal of ErGo Media Capital,  
LLC and Erik H. Gordon]

**DECLARATION OF ERIK H. GORDON**

I, Erik H. Gordon, declare as follows:

1. I am a resident of the State of Florida and domiciled in the State of Florida. I am a named defendant in this action. I am also the sole owner of ErGo Media Capital, LLC, also a named defendant in this action. The matters contained in this declaration are based on my own personal knowledge, and if called upon to testify as to such matters under oath, I could and would do so. I make this declaration in support of the Notice of Removal of Defendant Erik H. Gordon.

2. I moved to the State of Florida with the intention of maintaining my primary residence there indefinitely and have been domiciled in the State of Florida since the fall of 2013. I am registered to vote in Florida and hold a Florida driver license. I previously had a second or third residence at 132 S. Maple Drive, Penthouse #4, Beverly Hills, California, until June 24, 2013. I have not lived in California since June 24, 2013 when I relocated to my New York residence. On June 24, 2013, Malea Rose moved into my former residence on Maple Drive. In the fall of 2013, I moved my primary residence to Miami, Florida, where I have lived through the present. Although I travel to Los Angeles, I do not live there. Ms. Rose was living at the Maple Drive residence when Plaintiff attempted to serve me there in March 2014. I did not live in California in February 2014 when this action was filed and I do not live there currently at the time of this Notice of Removal.

3. ErGo Media Capital, LLC is a company that was formerly ErGo Films, a film company I had prior to 2009. In 2012, ErGo Media Capital, LLC became the company that I used solely to pay my two or three personal assistants, to process payroll and health insurance benefits. ErGo Media never employed more than four people at any time. ErGo Media is a Limited Liability Company duly organized and existing under and by virtue of the laws of the State of Delaware. I am the sole owner and sole member of ErGo Media. ErGo Media's registered agent for service

1 of process is National Registered Agents, Inc., located in Dover, Delaware. At least  
2 as of July 2013 through the present, ErGo Media Capital, LLC has had its  
3 headquarters and principal place of business in New York, New York.

4 4. ErGo Media's payroll and personnel records from 2012 when Plaintiff  
5 was hired until Plaintiff's employment was terminated on or about July 11, 2013,  
6 show Plaintiff's home address during that period as being continuously in Los  
7 Angeles, California.

8 5. ErGo Media Capital, LLC has never been duly organized under the  
9 laws of the State of California. I have always conducted any ErGo Media business  
10 through its office in New York.

11 6. The person who performs administrative functions for me and who  
12 handles the logistics of payroll through ErGo Media Capital for my personal  
13 assistants is Peita Carnevale, who works primarily out of her home. Because Ms.  
14 Carnevale has been the caretaker for her son who has been extremely ill, sometime  
15 over the summer of 2014, I spoke with Ms. Carnevale and we agreed that as an  
16 accommodation to her, we would have various communications, including those  
17 regarding ErGo Media Capital, sent to the ErGo Media mailing address in New  
18 York, rather than to her home address in New Jersey. As part of that change of  
19 address process, on or about July 16, 2014, I called ErGo Media's registered agents  
20 for service of process, National Registered Agents, Inc., and spoke to "Katrina" to  
21 advise them of ErGo Media's change of address.

22 7. It was only after this change of address in July 2014 that ErGo Media  
23 actually received any of the pleadings in this matter that were served on National  
24 Registered Agents, Inc. In September 2014, National Registered Agents, Inc.  
25 forwarded to me at ErGo Media a "Statement of Damages" dated August 5, 2014  
26 apparently from the Plaintiff in this matter. A true and correct copy of the  
27 documents and transmittal received from National Registered Agents is attached

1 hereto as Exhibit "N."

2 I declare under penalty of perjury under the laws of the United States and the  
3 State of California that the foregoing is information true and correct. Executed this  
4 25th day of February 2015 at Los Angeles, California.

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